

Panaji, 24th December, 1981 (Pausa 3, 1903)

SERIES II No. 39

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

#### Department of Personnel and Administrative Reforms

Order

No. 6/12/79-PER(Vol. II)

Read: Government Orders No. i) 26/4/80-RD(A) dated 15-9-1981.

ii) 6/6/81-FIN(R&amp;C) dated 11-9-1981.

In exercise of the powers vested in him under sub-Rule 2 of Rule 4 of the Goa, Daman and Diu Civil Service Rules, 1967 read with Rule 2 clause (d) thereof, the Administrator of Goa, Daman and Diu is pleased to declare the following posts as "Duty Posts" of the said service with immediate effect for the purpose of recruitment thereto till further orders:—

Sr. No.	Name of the post	Group and pay scale
1.	Director of Settlement and Land Records (one post).	Group "A" Rs. 1100-1600.
2.	Sales Tax Officers (2 posts).	Group "B" Rs. 650-1200.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 14th December, 1981.

### Forest and Agriculture Department

Order

No. 1-3-80-FSH

Read: — 1. Government order No. 1-3-80-FSH dated 22-6-81.

2. Government order No. 1-3-80-FSH dated 7-10-81.

3. Letter No. DFH 56/81 dated 5-11-81 from Dr. V. V. R. Varadachari, Acting Director, National Institute of Oceanography, Dona Paula, Goa.

Government is pleased to extend the time limit for submission of the report of the Committee constituted vide Government Order read at Sl. No. 1 above, by a further period upto 28-2-1982.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 15th December, 1981.

### Local Administration and Welfare Department

Order

No. 6-46-76-LSG(Part-I)

Mrs. A. V. Kanekar, Mukhya Sevika in the office of the Director of Social Welfare is hereby promoted on ad-hoc basis to the post of Child Development Project Officer, Group 'B' Gazetted, in the pay scale of Rs. 550-25-750-EB-30-900 and posted at I.C.D.S. Project Satari with immediate effect. The appointment is made against the post created vide Government order No. 6-85-80-LAWD(III) dated 7-12-1981. Her initial pay will be fixed as per the rules. In addition to the pay, she will be entitled for dearness and other allowances as admissible under the rules in force.

The above promotion will not bestow on the person any claim for regular appointment and the service rendered on ad-hoc basis in the grade will not count for the purpose of seniority in that grade and for eligibility for promotion to the next higher grade.

By order and in the name of the Administrator of Goa, Daman & Diu.

Alexandre Pereira, Under Secretary (Revenue).

Panaji, 15th December, 1981.

Order

No. RDD/Co-op/DPC/AR/96/74

Read: Govt. order No. RDD/Coop/DPC/AR/96/74-78/3368 dated 16-3-78.

On the recommendation of the Departmental Promotion Committee, Shri D. V. Sathe, Assistant Registrar of Cooperative Societies, from the Office of the Registrar of Cooperative Societies, Panaji is appointed on regular basis in an officiating capacity with effect from 31-3-1978 i.e. the date of taking over charge in the same post of Assistant Registrar of Cooperative Societies.

By order and in the name of the Administrator of Goa, Daman and Diu.

Alexandre Pereira, Under Secretary (Revenue).

Panaji, 10th December, 1981.

### Office of the Asstt. Registrar of Cooperative Societies

No. ARCS/SZ/Final-Order/Coop/54/LQD/81

Read: — 1) Audit Report of 1979-80 of Emco. Goa Pvt. Ltd., Staff and Labour Cons. Coop. Society Ltd.

2) Proceedings of Special General Body Meeting held on 12-7-1981.

3) Letter No. 68 dated 4-8-81 from Chairman and Member of Emco. Goa Pvt. Ltd., Staff and Labour Cons. Coop. Society Ltd.

4). This Office interim Order No. ARCS/SZ/INT-  
-ORDER/Coop/ 54/1416/81 dated 27-8-1981.

Order

In virtue of the powers vested in me under Section 102 (1) of the Maharashtra Coop. Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu the Emco Goa Pvt. Ltd., Staff and Labour Cons. Coop. Society Ltd., Bimbol Mines, Collem was called upon to submit its explanation if any within one month from the date of issue of interim Order cited above. Since no reply has been received so far from the Society, I am satisfied that there is no objection in regard to the Society being taken into Liquidation. Hence I, Y. S. Manerikar, Asstt. Registrar of Coop. Societies, South Zone, Margao Goa hereby confirm the aforesaid Order in terms of Section 102(2) of the aforesaid Act, as applied to the Union Territory of Goa, Daman and Diu.

Further under Section 103(1) of the Maharashtra Coop. Societies Act 1960 as applied to the Union Territory of Goa, Daman and Diu, read with Rule 86(1) of the Coop. Societies Rules, 1962, I further appoint Shri M. V. Naik, Jr. Inspector, Coop. Societies, South Zone, Margao as a Liquidator of Emco Goa Pvt. Ltd., Staff and Labour Cons. Coop. Society Ltd., Bimbol Mines, Collem.

Y. S. Manerikar, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 12th October, 1981.

No. ARCS/SZ/RSR-I-Dairy-Raia/I/LQD/1981

Read: 1. The Audit report of the Raia Sahakari Dudh Vya. Sauntha Ltd., Raia-Salcete for the period from 1-7-1977 to 30-6-1980.

2. This office interim order No. ARCS/SZ/RSR-I-Dairy-Raia/I/LQD/Notice/81 dated 24-6-1981.

Order

In virtue of the powers vested in me under Section 102 (1) of the Maharashtra Coop. Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu the Raia Sah. Dudh Vya. Sauntha Ltd., Raia, Salcete-Goa was called upon to submit its explanation if any within fifteen days from the date of issue of interim order cited above. Since no reply has been received so far from the Society, I am satisfied that there is no objection in regard to the Society being taken into liquidation. Hence, I, Y. S. Manerikar, Asstt. Registrar of Coop. Societies, South Zone, Margao-Goa hereby confirm the aforesaid order in terms of Section 102(2) of the aforesaid Act, as applied to the Union Territory of Goa, Daman and Diu.

Further under Section 103(1) of the Maharashtra Coop. Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, read with Rule 86 (1) of the Coop. Societies Rules, 1962, I further appoint Shri P. M. Naik, Jr. Inspector, Coop. Societies, South Zone, Margao as liquidator of Raia Sah. Dudh Vya. Sauntha Ltd., Raia-Salcete-Goa.

Y. S. Manerikar, Asstt. Registrar of Coop. Societies, South Zone.

Margao, 26th September, 1981.

Revenue Department

Notification

No. 22/139/81-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For construction of Staff Quarters for R.W.S.S. at Curtorim — Phase II.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acquisition Officer, P.W.D. (Cell), Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Land Acquisition Officer, P.W.D. (Cell), Panaji.
3. The Executive Engineer, Works Division XVII (RWS), P.W.D., Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, P.W.D. (Cell), Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Salcete	Curtorim	—	375/2 (Part)	Manuel Salvador Menezes. Maria Menezes.	1270.00
<b>Boundaries:</b>						
North: Survey No. 375/2.						
South: Survey No. 375/3 & 4.						
East: Road.						
West: Survey No. 375/2 & 3.						
Total						1270.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 20th November, 1981.

## Notification

No. 22/164/81-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For construction of road from Molem to Bondumol, Sanguem.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acquisition Officer, P.W.D. (CELL), Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Land Acquisition Officer, P. W. D. (CELL), Panaji.
3. The Executive Engineer, Works Division VI, P. W. D., Fatorda, Margao.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, P. W. D. (CELL), Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

## SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Sanguem	Molem	1	70/1	H: Government. L: Vasu Mahadeva Gaonkar. Vishnu Kusta Gaonkar.  North: Government. South: Nala. East: Government. West: Government.	1005.00
			2	72	H: Government. L: Pundalic Gangadhar Sinai Sanvordekar. T: Narayan Bablo Gaonkar.  North: Nala. South: Government. East: Government. West: Government.	1290.00
			3	73/4	H: Government. L: Rama Fondu Gaonkar. Dati Fondu Gaonkar.  North: Government. South: Durganand R. Sanvordekar. Rama Fondu Gaonkar. Fati Fondu Gaonkar. Vishnu Kusta Gaonkar. Mahadeva Gaonkar. East: Government. West: Government.	515.00
			4	73/5	H: Rama Fondu Gaonkar. Fati Fondu Gaonkar. Vishnu Kusta Gaonkar. Mahadeva Gaonkar.  North: Government. South: Durganand R. Sanvordekar. West: Ramar Fondu Gaonkar. Vishnu Kusta Gaonkar. Fati Fondu Gaonkar. Mahadeva Gaonkar. West: Durganand R. Sanvordekar.	200.00
			5	73/3	H: Durganand R. Sanvordekar. T: Vassu Mahadeva Gaonkar.  North: Government. South: Durganand R. Savordekar. East: Rama Fondu Gaonkar. Fati Fondu Gaonkar. Vishnu Kusta Gaonkar. Mahadeva Gaonkar. West: Durganand R. Sanvordekar.	370.00

1	2	3	4	5	6	7
Sanguem	Molem	6	73/2	H: Durganand R. Sanvordekar.		160.00
				North: Durganand R. Sanvordekar.		
				South: — do —		
				East: — do —		
				West: — do —		
		7	73/6	H: Durganand R. Sanvordekar.		275.00
				T: Rama Fondu Gaonkar.		
				Fondu Fati Gaonkar.		
				Krishna Mahadeva Gaonkar.		
				Vishnu Kusta Gaonkar.		
				North: Durganand R. Sanvordekar.		
				South: Nala.		
				East: Durganand R. Sanvordekar.		
				West: — do —		
		8	1/6	H: Shree Dev Mahadeva Prassan.		25.00
				North: Government.		
				South: — do —		
				East: Pandu Budho Gaonkar & Others.		
				West: Shree Dev Mahadev Prassan.		
		9	80/2	H: 1. Pandu Budho Gaonkar.		560.00
				2. Kusta Bhisso Gaonkar.		
				3. Ganesh Narayan Gaonkar.		
				4. Gopal Mono Gaonkar.		
				5. Zayu Bablo Gaonkar.		
				6. Rukhini Vithal Gaonkar.		
				7. Rodio Arjun Gaonkar.		
				North: Nala & Government.		
				South: Pandu Budho Gaonkar & Others.		
				East: — do —		
				West: Government.		
Total .....						4400.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 27th November, 1981.

#### Office of the Collector and DCA

Order

No. 3/4/81-CAB (bye-laws)

The Lt. Governor of Goa, Daman and Diu, under the authority vested in him by Article 18 of the Devasthan Regulation, has been pleased to appoint the below named persons on the Special Committee to draft bye-laws of the Devasthan of Shri Rampurush and its allied temple of Shri Gaudepurush, of Bandiwada of Ponda.

#### Effective Members:

1. Shri Janardan Gokuldas Phadte — President.
2. Shri Suresh Vasu Phadte — Treasurer.
3. Shri Shanu Chintu Phadte — Attorney.
4. Laxmikant Tukaram Phadte — Secretary.

#### Substitute Members

1. Shri Mahadev Hirba Phadte — President.
2. Shri Mahesh Kashinath Phadte — Treasurer.
3. Shri Suresh Harichandra Phadte — Attorney
4. Shri Nishakant Pursó Phadte — Secretary.

The above Committee is required to submit the draft bye-laws to the Government within a period of six months from the date publication of this order in Official Gazette. The procedure laid down in the Article 17 and 18 of the Devasthan Regulation as amended by the Legislative Diploma No. 1899 dated 29-5-1959 and the Government directions in the Revenue Department's letter No. RD/End/116-71 dated 27-7-1971 are to be followed to frame bye-laws.

The above Committee is also entrusted with the management of the said Devalaya until the bye-laws are approved and published.

S. Regunathan, Collector and DCA.

Panaji, 23rd November, 1981.

#### Public Health Department

Order

No. 5-60-80/PHD

Read: Memorandum No. 5-60-80/PHD dated 7-11-81.

On the recommendations of the Union Public Service Commission, Dr. (Mrs.) Meenakshi Vithal Bargi, is hereby appointed to the post of Lecturer in Anatomy in the Goa Medical College, Panaji in the pay-scale of Rs. 1100-50-1500-EB-60-1800, with effect from 29th September, 1981, on the terms and conditions contained in the Memorandum referred to above.

The appointment is however subject to the verification of character and antecedents.

Dr. (Mrs.) Bargi is already working as Lecturer in Anatomy on ad-hoc basis and she has already been declared fit at the time of her appointment to this post.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 14th December, 1981.

Order

No. 5-101-79/PHD

Read: Memorandum No. 5-101-79/PHD dated 7-11-1981.

On the recommendations of the Union Public Service Commission, Dr. (Mrs.) Mangal P. Verenkar, is hereby appointed to the post of Lecturer in Microbiology in the Goa Medical College, Panaji in the pay-scale of Rs. 1100-50-1500-EB-60-1800, with effect from, 26-9-81, on the terms and conditions contained in the Memorandum referred to above.

The appointment is however subject to the verification of character and antecedents.

Dr. (Mrs.) Verenkar is already working as Lecturer in Microbiology on ad-hoc basis and she has already been declared fit at the time of her appointment to this post.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 14th December, 1981.

Order

No. 5-72-80/PHD

Read: Memorandum No. 5/72/80-PHD dated 4-11-81.

On the recommendations of the Union Public Service Commission, Dr. (Mrs.) Milan R. Bhandare, is hereby appointed to the post of Lecturer in Obstetrics and Gynaecology in the Goa Medical College, Panaji in the pay-scale of Rs. 1100-50-1500-EB-60-1800, with effect from 26-9-81, on the terms and conditions contained in the Memorandum referred to above.

The appointment is however subject to the verification of character and antecedents.

Dr. (Mrs.) Bhandare alias Dr. (Miss) Milan Kamat Haldankar is already working as Lecturer in Obstetrics and Gynaecology on ad-hoc basis and she has already been declared fit at the time of her appointment to this post.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 14th December, 1981.

Order

No. 5/48/81-PHD

Read: — Memorandum No. 5-81/PHD dated 16-11-81.

On the recommendations of the Union Public Service Commission, Dr. A. V. Mainker, is hereby appointed to the post of Lecturer in Anatomy in the Goa Medical College, Panaji in the pay-scale of Rs. 1100-50-1500-EB-60-1800, with effect from 22nd October, 1981 on the terms and conditions contained in the Memorandum referred to above.

The appointment is however subject to the verification of character and antecedents.

Dr. A. V. Mainker is already working as Lecturer in Anatomy on ad-hoc basis and he has already been declared fit at the time of his appointment to this post.

Dr. A. V. Mainker will be senior to Dr. (Mrs.) Meenakshi V. Bargi as per the inter-se-seniority fixed by the Union Public Service Commission.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 17th December, 1981.

## Industries and Labour Department

Order

No. 28/2/79-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 30th November, 1981.

IN THE INDUSTRIAL TRIBUNAL GOA,  
DAMAN AND DIU

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No. IT/27/80

Shri Dominic P. Fernandes,  
Curtorim, Salcate, Goa.

— Complainant.

V/s.

Shri Pandurang Timblo,  
Director,  
M/s. Timblo Printers Pvt. Ltd.,  
Margao, Goa.

— Opposite Party.

Panaji, 11-11-1981.

## AWARD.

This is a complaint made by Shri Dominic Fernandes (hereinafter called the Complainant) against Shri Pandurang Timblo, Director of M/s. Timblo Printers Pvt., Margao (hereinafter called the Opposite Party) for contravention of Section 33 of the Industrial Disputes Act, 1947.

2. It is his case that, while Reference No. 28/1/79-ILD-19-480 (IT No. 32/80) in connection with the termination of the services of 21 workmen by the Opp. Party was pending adjudication before this Tribunal, in which the Complainant is also concerned, the Opp. Party, by his letter No. TPPL/10/80 dt. 16-5-80, informed the Complainant that his name was struck-off from the muster roll of the Company, as he had failed to resume duties even after the publication of notice in the local newspaper, thereby leading the Opp. Party to presume that the Complainant had voluntarily abandoned his services. On the receipt of this letter, the Complainant, who had gone to Bombay for medical treatment after informing the management Shri Madkalkar, rushed to Goa to resume his duties, but was not permitted so to do by Shri W. S. Singhal, Time-Keeper of the Opp. Party. The Complainant addressed the letter to the Opp. Party on 2-6-80, explaining the circumstances under which he had gone to Bombay after informing Shri Madkalkar and with how much dedication he had worked for the Company since its inception and requested the Opp. Party to inform him as to when he should resume his duties. This letter was replied by the new Manager of the Opp. Party on 11-6-80, by letter TPPL/120/80, informing him that his case comes under abandonment of service and, therefore, he could collect his dues, if any, on any working day.

3. The Complainant has stated that the establishment of the Opp. Party was on a long strike for over six months, which was finally settled and soon a fresh strike started due to the violation of the settlement terms by the Opp. Party w.e.f. 10-11-77, which was called off on 11-4-80. In the meantime, the Complainant was informed that his name was struck off from the muster roll. It is alleged that this termination of services of the Complainant is illegal, unjustified and amounts to unfair labour practice. The termination is also an act of victimisation and harassment to the Complainant for having taken part, alongwith other workmen, in the strike. He has prayed that he be re-instated with continuity of service and full back wages.

4. Notice was duly served on the Opp. Party who, on the date fixed, prayed for adjournment, which was granted. On the next day, the Opp. Party failed to remain present to file its written statement. Therefore, the case proceeded ex-parte.

The Complainant gave his statement on oath and produced various documents.

5. In his statement, the Complainant has stated that, when he left for Bombay on 20-3-80, the establishment of the Opp. Party was on strike. On 15-3-80, he called on Shri Madkaikar and told him that he was sick and had to go to Bombay for medical treatment and requested him to inform him (the Complainant) in Bombay when the work would start. For this purpose, he kept his Bombay address with Shri Madkaikar.

6. Exhibit W-6 collectively shows that, from 9-4-80 to 28-5-80, the Complainant was under medical treatment in Bombay.

Exhibit W-1 is the letter of appointment of the Complainant as Electrical-in-charge w.e.f. 22-4-1978, with a consolidated salary of Rs. 1000/- per month.

Exhibit W-2 is the registered letter dated 16-5-80, addressed by the Opp. Party to the Complainant at Curtorim, Macazana, informing him that, in the notice published in the Navhind Times, 4 days time was given to the employees to resume their duties and since he had not resumed nor informed the Company the reason for his absence, the Company has presumed that he has voluntarily abandoned his services, and accordingly struck-off his name from the muster roll.

Exhibit W-3 is the letter dated 2-6-80 addressed from Macazana by the Complainant to the Opp. Party informing the Company that their letter dated 16-5-80 was received by him (the Complainant) in Bombay on 26-5-80 and that by this letter he had come to know, for the first time, that the Company had resumed operation; that, as he was sick, he had to go to Bombay for treatment and, before going, he had informed Shri Madkaikar and asked him to inform him (the Complainant) as soon as the Company resumed operation, but he did not receive any intimation from the Company in this connection. As soon as he received the letter above mentioned, he returned to Goa and reported to duty on 30-5-80, but was prevented from entering the premises by Shri Singbal, Time-Keeper. After reminding with how much dedication he had always worked for the Company, he has requested to inform him as to when he can resume his duties.

Exhibit W-4 is the letter of the Company, dated 11-6-80, informing the Complainant that his case comes under the abandonment of service and hence, he is entitled only to salary, if due, and whatever leave he has to his credit.

Exhibit W-5 is complaint under Section 323 IPC lodged by the Complainant on 31-5-80, in connection with the assault committed on him when he again went to Company's office on 31-5-80.

7—This statement of the Complainant has gone unchallenged as the Opp. Party chose not to file any written statement or to cross-examine the Complainant. Since the Complainant has not stated in the complaint whether the alleged contravention by the Opp. Party of Section 33 is of Sub-section 1 or Sub-section 2, the only points that arise for the determination of this Tribunal are:

- i) Whether, at the time of this incident, there was a reference pending before this Tribunal in which the Complainant was concerned;
- ii) Whether the Opp. Party has, during the pendency of the said reference, changed prejudicially the conditions of the service of the Complainant; and
- iii) Whether the change of conditions of service is in regard to any matter connected with the dispute or not.

8—I have perused the reference proceedings bearing No. 32/80. In this reference, the issue referred by the Govt. for adjudication of this Tribunal is:

"Whether the action of the management of M/s. Timblo Printers Pvt. Ltd., Margao in retrenching the services of 21 workmen mentioned in the Annexure appended hereto w.e.f. the dates as shown against their respective names was legal and justified.

If not, to what relief the said workmen are entitled."

9—From Exhibit W-1, W-2, W-3 and W-4, proved by the Complainant, there is no doubt that the Complainant has been working for the Company of the Opp. Party since 22-4-1978

i.e. much prior to the reference No. 32/80, till the date his services were considered as terminated by the Company for abandonment of services.

Since the above reference was pending adjudication before this Tribunal at the time the services of the Complainant were terminated by the Company and since it deals with the dismissal from the services of some of the employees of the Company, although the Complainant's name is not found therein, it cannot be doubted that the Complainant is a party concerned in the said reference, because if the Tribunal upheld the action of the management in the said reference, this could lead the management to also retrench the Complainant from service for similar reasons.

10—Exhibit W-2 and W-4, produced by the Complainant, prove the Complainant's contention that, in view of the absence of the Complainant, the Company presumed that he had abandoned the services and struck off his name from the muster roll. However, the Complainant, by his letter Exhibit W-3, justified his absence and rebutted the presumption drawn by the Company regarding the abandonment of services, and, thereof, it was the duty of the Company to cancel the dismissal order passed and re-admit the Complainant, moreover so because, before going to Bombay, the Complainant had called on Shri Madkaikar and told him that he was sick and had to proceed to Bombay for treatment and requested him to inform the Complainant in Bombay when the work would start. However, the Company had failed to send this information, as he has stated in his statement before the Court.

It is obvious that the dismissal order for abandonment of service, passed by the Company during the pendency of the reference, amounts to change in the condition of service of the Company and has prejudicially affected his rights, although the said change is not regarding any matter connected with the dispute.

11—In view of the above, I hold the Opp. Party guilty of contravening the provisions of Section 33 of the Act for having dismissed the Complainant in the pendency of industrial dispute in which the Complainant was concerned, without seeking approval of this Tribunal and, consequently, set aside the order of dismissal passed by the Company, directing that the Complainant be re-instated with continuity of service and full back wages. Cost of Rs. 200/- to be paid by the Company to the Complainant.

*Dr. Renato de Noronha*

Presiding Officer,  
Industrial Tribunal.

Order

No. 28/2/79-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu,

*S. D. Sadhale*, Under Secretary (Industries and Labour).

Panaji, 8th December, 1981.

#### IN THE INDUSTRIAL TRIBUNAL, GOA, DAMAN AND DIU, AT PANAJI

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No. IT/8/77

Reference No. IT/11/77

IT/8/77

M/s. Hotel Mandovi, Panaji.

v/s.

Shri Domingo Ricardo,

Page-Boy,

Ubo Dando, Ilhas (Goa).

— Applicant

— Opp. Party

IT/11/77

Shri Domingo A. Ricardo,  
St. Cruz, Ubo Dando,  
Ilhas (Goa)

— Complainant

v/s.

Shri Yeshwant P. Kamat  
Manager, M/s. Hotel Mandovi.  
Panaji (Goa)

— Opponent

1. Shri N. G. Rebello representing Shri Domingo Recardo.
2. Shri Ramesh Dessai representing M/s. Hotel Mandovi.

Panaji: dated 25-11-1981.

**AWARD**

This common Award shall dispose off the industrial disputes bearing Nos. 8/77 and 11/77.

IT/8/77 is an application under Section 33(2) of the Industrial Disputes Act, 1947, hereinafter called the Act, filed by the Applicant M/s. Hotel Mandovi against the Opponent Shri Domingo Recardo for approval of his dismissal order passed against the Opponent w.e.f. 14-3-77, during the pendency of the reference No. IT/4/74.

2. It is Applicant's case that the Opponent was working as Page Boy with the Applicant but he was habitually deserting the place of work without permission, attending the duties late and since 26-10-76 he did not attend the last shift, inspite of the warnings issued to him. Charge-sheet was issued to the Opponent on 27-11-76, listing the following charges:

- a) Deserting the place of work unauthorisedly for the last shift of the day.
- b) Habitual neglect of work or gross habitual negligence of duties or habitual late attendance.
- c) Habitual breach of any rules or instructions for the maintenance and running of any department.
- d) Frequent repetition of any act or omission.
- e) Commission of any act subversive of discipline or good behaviour.

3. The Enquiry Officer submitted his findings on 21-2-1977, holding that all the charges against the Opponent were proved. The Applicant, having gone through the enquiry proceedings and the findings of the Enquiry Officer and after considering the past records of the Opponent, decided to dismiss him from the services and, accordingly, the Opponent was dismissed w.e.f. 14-3-77, under Clause (b) of Sub-section 2 of Section 33 of the Act, after being paid all his wages for one month.

4. Notice of this application was given to the Opponent who, in his reply, has denied the charges levelled by the Applicant against him stating that he was harassed and victimised for being union member and was asked to attend to late duty hours, although he was not availing of the facility of accommodation provided by the Applicant to other workmen of his category, who were making use of the Hotel premises to sleep at night but who were not made to work late in the night.

In so far the enquiry is concerned, various allegations are made against the Enquiry Officer and the way he has conducted the enquiry, in violation of the principles of natural justice. He prays that the action of the management be considered as illegal and unjustified and the enquiry as perverse and viciated, with consequent re-instatement of the Opponent with full back wages and continuity of service.

5. A preliminary issue, regarding the maintainability of the application was framed by my Learned Predecessor Dr. Coelho and arguments, on this point, partly heard. When the hearing was to be continued, both the parties stated that they had amicably settled the matter of this dispute as well as of the dispute in IT/11/77 and filed a memo of settlement, praying that a consent Award in terms of the same be passed by the Tribunal.

6. IT/11/77 is complaint filed under Section 33 A of the Act by the Complainant Shri Domingo Recardo against the Opponent, Shri Yeshwant Kamat, Manager Hotel Mandovi, Panaji, stating therein that during the pendency of References Nos. 4/74, 12/76 and 32/76, the Opp. Party terminated his services by holding an enquiry which was never completed and was conducted in violation of the principles of natural justice, without affording an opportunity to the

Complainant to prove his innocence. The Complainant is an active member of Goa Hotel and Restaurant Employees' Union and, in order to victimise him, the Opp. Party has levelled false charges against him. He was paid Rs. 851/- as legal dues, which he accepted, as he had no other alternative. This amount has not been worked out according to the wages drawn by the Complainant, which includes food value. It is prayed that the action of the Opp. Party in dismissing the Complainant be held as unjustified, illegal and mala fide and, consequently, he be re-instated in service with continuity of service and full back wages.

8. The Opp. Party, in his written statement, has raised a preliminary objection, regarding the non-maintainability of the Complain under the provisions of Section 33 of the Act, and, on merits, reproduced almost all the allegations made by him against the Complainant herewith in his application for approval, referred to above and numbered as IT/8/77.

9. The Complainant, in his reply, maintains the stand he had taken in the Complain.

10. Preliminary issue regarding the maintainability of the Complaint was framed by the Tribunal and date fixed for arguments. After the matter was partly argued, the parties arrived at a settlement, both in this case as well as in case 8/77. A joint memo of settlement was filed and prayed that a consent Award in terms of the same be made.

11. I have perused the settlement terms of the memo of settlement, which shall form part of this Award and arrived at the conclusion that they are reasonable and fair to both the parties. Hence, I pass the following Order:

**ORDER**

Consent Award in terms of the settlement, which shall form part of this Award is hereby made and both the cases bearing Nos. IT/8/77 and IT/11/77 are disposed off. No order as to costs.

Dr. Renato de Noronha  
Presiding Officer  
Industrial Tribunal

Order

No. 28/2/79-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 30th November, 1981.

IN THE INDUSTRIAL TRIBUNAL, GOA, DAMAN  
AND DIU, AT PANAJI

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No: IT/1/80

M/s. Goa Shipyard Limited,  
Vasco da Gama.

— Applicant.

V/s.

Shri Jayappa Sayappa,  
Backside of Salgaonkars  
Quarters, Baina, Vasco da Gama.

— Opponent.

Panaji: 11-11-1981.

**AWARD**

This is an application for approval under Section 33(2)(b) of the Industrial Disputes Act, 1947, read with Rule 60(2) of the said Act, filed by the Applicant against the Opposite Party. It is stated therein that, while Reference No. IT/25/77 regarding the payment of bonus for the year 1975 and 1976 was pending, the worker Shri Jayappa (hereinafter referred to as Opposite Party) was caught at the Time Office Gate of the Yard, while attempting to carry white paint in a



quarter size bottle belonging to the company. Accordingly, a charge-sheet was served on the Opponent, and a domestic enquiry instituted against him and he was kept under suspension, pending the said enquiry. In the course of enquiry, the Opposite Party accepted the charges levelled against him, and as such the Enquiry Officer held him guilty of the following charges:

"i) Attempting to carry white paint in quarter size bottle through the Time Office Gate of the yard. Therefore, he was found guilty of misconduct under order 22(iv) of the Company's Certified Standing Order.

ii) The behaviour of Shri Jayappa Saijappa also amounts to commission of an act subversive of discipline. Therefore, he was found guilty of misconduct under order 22(xii) of the Company's Certified Standing Order."

2. — The findings of the Enquiry Officer were accepted by the Applicant, and as the misconduct conducted by the Opposite Party is of a very serious nature, a Show-Cause Notice was served on the Opposite Party, as to why he should not be dismissed from the services. The Opposite Party submitted his explanation to the show-cause notice. This explanation was considered by the Applicant as well as the past record of the Opposite Party, and decision taken to dismiss him from the services due to the gravity of the offences committed, which decision was communicated to the Opposite Party by Applicant's letter dt. 14-1-80. One month's wages under Section 33(2)(b) of the Act were also sent to the Opp. Party by money order. The Applicant has prayed that approval of the Tribunal be granted to the order of dismissal of the Opp. Party.

3. — In his written statement, the Opp. Party raised some preliminary objections regarding the maintainability of the application and, on merits, contended, in short, that the enquiry held was bad in law and in violation of the principles of natural justice. At any rate, the punishment imposed was disproportionate to the alleged offence.

4. — The following issues were framed by the Tribunal:

i) Whether the Workman/Opponent proves that the Application filed by the Applicant/Company is not maintainable?

ii) Whether the Workman/Opponent proves that the Domestic Inquiry has not been conducted as per standing Orders?

iii) Whether the Workman/Opponent proves that the findings of the Inquiry Officer are perverse and not based on evidence on record?

iv) Whether the Workman/Opponent proves that the punishment imposed on him is disproportionate to the alleged offence?

v) What relief?

5. — When the case was ready to be heard, the parties arrived at an amicable settlement and filed a joint memorandum of settlement, praying that a consent Award in terms of settlement be passed by the Tribunal.

6. — The terms of settlement are as follows:

a) Workman/Opposite Party Shri Jayappa Saijappa agrees to submit an unqualified apology to the Company/Applicant for the misconduct committed by him.

b) The Company/Applicant agrees to re-instate Shri Jayappa Saijappa in the same post which the workman was holding at the time of termination of his services.

c) It is agreed between the parties that the intervening period from the date of termination till his re-ins-

tatement as per clause (b) above will be treated as leave of absence and the workman/opposite party shall not be entitled to any wages for the said period.

d) The Company/Applicant agrees that the intervening period, which is without wages, shall not create any break in the services of the workman/opposite party and he shall be deemed to be in continuous service for the purposes of his terminal benefits at an appropriate time.

7. — As it is clear from the above terms, the dispute between the parties is settled to the satisfaction of both of them. Hence, I accept the settlement arrived at between the parties and pass the following order:

#### ORDER

Consent Award in terms of settlement arrived at between the parties is hereby made and this application is disposed off. No order as to costs.

*Dr. Renato de Noronha*  
Presiding Officer,  
Industrial Tribunal.

#### Law Department (Establishment)

##### Notification

No. 4-25-81/LD

The following Notification No. JCC/GP-6/81/70 dated 7-12-1981 from the Registrar, Judicial Commissioner's Court, Panaji is hereby published for general information.

*R. V. Durbhatkar*, Under Secretary (Law).

Panaji, 14th December, 1981.

#### Judicial Commissioner's Court

##### Notification

No. JCC/CP-6/81/70

WHEREAS *Dr. ALVARO DE NORONHA FERREIRA*, District and Sessions Judge, Panaji, would be on leave;

AND WHEREAS it is expedient to make arrangements for the disposal of urgent matters;

THE Judicial Commissioner's Court in exercise of the powers vested in it under Section 9 Cr.P.C. hereby appoints *Dr. ORLANDO PINTO SOARES*, Chief Judicial Magistrate, Panaji, as Addl. Sessions Judge, Panaji, w. e. f. 14-12-1981 to 31-12-1981 for the purpose of disposing urgent criminal work arising in the said Sessions Court.

AND further the said *Dr. Orlando Pinto Soares*, Civil Judge, Senior Division, is hereby kept incharge of the District Court, Panaji, during the absence of the District and Sessions Judge as above.

By Order,

*E. P. Lobo*, Registrar, Judicial Commissioner's Court, Goa, Daman and Diu.

Panaji, 7th December, 1981.